

HOUSE BILL No. 1029

DIGEST OF INTRODUCED BILL

Citations Affected: IC 22-11-14-4; IC 22-11-14-10.

Synopsis: Fireworks for sale at wholesale. Specifies that all sales of fireworks not approved for sale in Indiana must be made at wholesale.

Effective: Upon passage.

Smith V, Tincher, Pond

January 8, 2001, read first time and referred to Committee on Commerce, Economic Development and Technology.

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Introduced

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

HOUSE BILL No. 1029

A BILL FOR AN ACT to amend the Indiana Code concerning labor and industrial safety.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 22-11-14-4 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) Nothing in
3 this chapter shall be construed to prohibit:
4 (1) any resident wholesaler, manufacturer, importer, or distributor
5 from selling **at wholesale**:
6 (A) ~~at wholesale~~ fireworks not prohibited by this chapter; or
7 (B) fireworks not approved for sale in Indiana if they are to be
8 shipped directly out of state within five (5) days of the date of
9 sale;
10 (2) the use of fireworks by railroads or other transportation
11 agencies for signal purposes or illumination;
12 (3) the sale or use of blank cartridges for:
13 (A) a show or theater;
14 (B) signal or ceremonial purposes in athletics or sports; or
15 (C) use by military organizations;
16 (4) the intrastate sale of fireworks not approved for sale in Indiana
17 between interstate wholesalers;



(5) the possession, sale, or disposal of fireworks, incidental to the public display of Class B fireworks, by wholesalers or other persons who possess a permit to possess, store, and sell Class B explosives from the Bureau of Alcohol, Tobacco and Firearms, United States Department of the Treasury; or
 (6) the use of indoor pyrotechnics special effects material before an indoor or outdoor proximate audience.

(b) For the purposes of this section, a resident wholesaler, importer, or distributor, is a person who:

- (1) is a resident of Indiana;
- (2) possesses for resale common fireworks approved or not approved for sale in Indiana;
- (3) is engaged in the interstate sale of common fireworks described in subdivision (2) as an essential part of a business that is located in a permanent structure and is open at least six (6) months each year;
- (4) sells common fireworks described in subdivision (2) **at wholesale** only to purchasers who provide a written and signed assurance that the fireworks are to be shipped out of Indiana within five (5) days of the date of sale; and
- (5) has possession of a certificate of compliance issued by the state fire marshal under section 5 of this chapter.

(c) A purchaser may not provide a written and signed assurance that the fireworks purchased **at wholesale** are to be shipped out of Indiana and then sell or use them in Indiana.

SECTION 2. IC 22-11-14-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) Each interstate wholesaler shall keep a record of each sale of fireworks not approved for sale in Indiana. This record must include:

- (1) the purchaser's name;
- (2) the purchaser's address; and
- (3) the date of the sale.

These records shall be kept for three (3) years and be available for inspection by the fire marshal.

(b) Each resident wholesaler shall post in a prominent location in the wholesaler's place of business a sign that reads as follows:

"Under Indiana law, a resident wholesaler of fireworks may sell **at wholesale**, fireworks not approved for sale in Indiana only to other resident wholesalers and to purchasers who provide a written and signed assurance that the fireworks are to be shipped out of Indiana within five (5) days of the date of sale. A purchaser who provides a written and signed assurance that fireworks

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1 purchased are to be shipped out of Indiana within five (5) days of
2 the date of sale and who then sells the fireworks in Indiana or uses
3 them in Indiana commits a Class A misdemeanor, which is
4 punishable by imprisonment for up to one (1) year and a fine of
5 up to five thousand dollars (\$5,000)."

6 The state fire marshal shall provide interstate wholesalers with signs
7 for the purposes of this subsection.

8 SECTION 3. **An emergency is declared for this act.**

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